

Notice of Allowability

Application No.

10/811,233

Examiner

Christopher R. Lamb

Applicant(s)

HORITA ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed 2nd May 2007.
2. ☒ The allowed claim(s) is/are 2, renumbered 1.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Drawings

1. The drawings were received on May 2nd, 2007. These drawings are acceptable.

Response to Arguments

2. Applicant's arguments filed May 2nd, 2007, with respect to the objection to the drawings have been fully considered and are persuasive. The objection to Figs. 4-6 has been withdrawn.
3. Application's arguments filed May 2nd, 2007, with respect to claim 2 have been fully considered and are persuasive. See the examiner's statement of reasons for allowance below.

Allowable Subject Matter

4. Claim 2 is allowed.
5. The following is an examiner's statement of reasons for allowance:

The closest prior art of record, Kabasawa (US 7,082,084 B2; corresponds to JP 2003-109234, disclosed in IDS), discloses:

An optical pickup device for driving and controlling a lens holder holding an objective lens by using a moving coil method (abstract), and for adjusting an irradiation position of a laser beam on an optical disk by displacing the objective lens (abstract), the device comprising:

a lens holder for holding the objective lens, an opening formed in the lens holder (visible in, for example, Fig. 5: the objective lens is 4 and the lens holder is 1);

a stepped portion formed in an outer circumferential portion of the opening (the stepped portion is visible in Fig. 5).

Kabasawa does not disclose:

a cut-out portion formed in the stepped portion closest to a rising mirror (Kabasawa discloses a space in the lens holder closest to a rising mirror, as visible in Fig. 5: this could be considered cut out, but it does not allow light to reach the objective lens through it, and thus does not require the next element); and

a light shielding ring arranged on the stepped portion to seal the cut-out portion (not necessary in Kabasawa since the space is not completely cut out).

Therefore these limitations in combination with the other limitations in the claim render it allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Kobayashi et al. (US 5,555,232) discloses a cut-out portion formed in a stepped portion of a lens holder closest to a rising mirror (Fig. 7), but does not disclose a light shielding ring arranged on the stepped portion to seal the cut-out portion (there is a reflecting member 138 but it is not on the stepped portion and does not seal the cut-out portion).

Fujii et al. (US 2001/0021164) discloses a cut-out portion formed in a lens holder (Fig. 3), but as per Kabasawa it is not cut-out all the way to the lens and thus does not require a light shielding ring; similar for Izuka (US 5,555,228).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Lamb whose telephone number is (571) 272-5264. The examiner can normally be reached on 9:00 AM to 6:30 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRL 7/19/07

/William R. Korzuch/

SPE, Art Unit 2627